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6 **BEFORE THE**  
7 **BOARD OF REGISTERED NURSING**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-634

11 **SUSAN DENISE WELCH, AKA SUSAN**  
12 **KATHERIS**  
13 **1940 Youngton Road**  
14 **Vicksburg, MS 39183**  
15 **Registered Nurse License No. 573037**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

16 **FINDINGS OF FACT**

17 1. On or about April 17, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her official  
18 capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of  
19 Consumer Affairs, filed Accusation No. 2012-634 against Susan Denise Welch, aka Susan  
20 Katheris ("Respondent") before the Board of Registered Nursing.

21 2. On or about October 17, 2000, the Board of Registered Nursing ("Board") issued  
22 Registered Nurse License No. 573037 to Respondent. The Registered Nurse License expired on  
23 March 31, 2002, and has not been renewed. Pursuant to Business and Professions Code ("Code")  
24 section 118, this lapse in licensure however, does not deprive the Board of its jurisdiction to  
25 maintain this disciplinary proceeding.

26 3. On or about April 17, 2012, Respondent was served by Certified and First Class Mail  
27 copies of the Accusation No. 2012-634, Statement to Respondent, Notice of Defense, Request for  
28 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at

1 Respondent's address of record which, pursuant to California Code of Regulations, title 16,  
2 section 1409.1, is required to be reported and maintained with the Board. Respondent's address  
3 on record with the Board was and is:

4 **1940 Youngton Road**  
5 **Vicksburg, MS 39183.**

6 4. On or about April 17, 2012, Respondent was also served by Certified and First Class  
7 Mail copies of the Accusation No. 2012-634, Statement to Respondent, Notice of Defense,  
8 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
9 and 11507.7) at the following addresses:

- 10 a. **525 Lakeview Cove Lot 160**  
11 **Ridgeland, MS 39157**  
12 b. **19 Parkview Road**  
13 **Clinton, MS 39056**  
14 c. **315 Jefferson Street**  
15 **Richland, MS 39218**

16 5. Service of the Accusation was effective as a matter of law under the provisions of  
17 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

18 6. On or about May 3, 2012, the aforementioned documents served to Respondent via  
19 First Class Mail to her address at 19 Parkview Road were returned by the U.S. Postal Service as  
20 undeliverable and marked, "not here". On or about April 25, 2012, the domestic return receipt, for  
21 the aforementioned documents served to Respondent via Certified Mail to her address at 525  
22 Lakeview Cv Lot 160, was returned to the Board indicating that the documents were claimed. The  
23 aforementioned documents served on Respondent, other than the two specifically referenced  
24 above, were not returned by the U.S. Postal Service as undeliverable.

25 7. Government Code section 11506 states, in pertinent part:

26 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
27 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
28 of the accusation not expressly admitted. Failure to file a notice of defense shall  
constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

8. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-634.

9. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2012-634, finds that the charges and allegations in Accusation No. 2012-634, are separately and severally, found to be true and correct by clear and convincing evidence.

11. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$485.00 as of May 11, 2012.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Susan Denise Welch, aka Susan Katheris has subjected her Registered Nurse License No. 573037 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

**a. Disciplinary Action by the State of Mississippi Board of Nursing.**

Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was disciplined by the State of Mississippi Board of Nursing ("Mississippi Board").

1                   i.     On or about March 6, 2008, pursuant to the Final Order issued by the  
2     Mississippi Board, in the disciplinary action entitled *In the Matter of Mississippi License No. R-*  
3     *851020 and License No. P-167061 issued to Susan Welch a/k/a Susan Katheris*, the Mississippi  
4     Board revoked Respondent's registered nurse license. The basis for the Order is that Respondent  
5     was found non-compliant with her Recovering Nurse Program.

6                   ii.    On or about August 17, 2009, pursuant to the Final Order issued by the  
7     Mississippi Board, in the disciplinary action entitled *In the Matter of Mississippi License No. R-*  
8     *851020 issued to Susan Katheris*, the Mississippi Board reinstated Respondent's registered nurse  
9     license on certain terms and conditions. The terms and conditions were made effective for a  
10    period of five years. Among the terms and conditions imposed are the following, participate in a  
11    Board-approved after-care program for chemical dependency, attend AA/NA meetings, abstain  
12    from addictive substances, participate in drug screens, attend support groups, and submit monthly  
13    reports to the Board.

14               **b.     Unprofessional Conduct.** Respondent is subject to disciplinary action under  
15    Code section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct.  
16    The conduct is more particularly described in paragraph 3, subparagraph (a)(i-ii), inclusive,  
17    above, and herein incorporated by reference.

**ORDER**

IT IS SO ORDERED that Registered Nurse License No. 573037, heretofore issued to Respondent Susan Denise Welch, aka Susan Katheris, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 31, 2012.

It is so ORDERED August 3, 2012

*Raymond Mallet*

FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

51108636.DOC  
DOJ Matter ID:LA2012602500

# Exhibit A

Accusation Case No. 2012-634

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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2012- 634**

13 **SUSAN DENISE WELCH, AKA SUSAN**  
14 **KATHERIS**  
15 **1940 Youngton Road**  
16 **Vicksburg, MS 39183**  
17 **Registered Nurse License No. 573037**

**A C C U S A T I O N**

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about October 17, 2000, the Board of Registered Nursing issued Registered  
24 Nurse License Number 573037 to Susan Denise Welch, also known as Susan Katheris  
25 ("Respondent"). The Registered Nurse License expired on March 31, 2002, and has not been  
26 renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board of Registered Nursing ("Board"),  
Department of Consumer Affairs, under the authority of the following laws. All section  
references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

## STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action ...”

8. Section 2811, subdivision (b) of the Code provides:

“Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing.”



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13. On or about August 17, 2009, pursuant to the Final Order issued by the Mississippi Board, in the disciplinary action entitled *In the Matter of Mississippi License No. R-851020 issued to Susan Katheris*, the Mississippi Board reinstated Respondent's registered nurse license on certain terms and conditions. The terms and conditions were made effective for a period of five years. Among the terms and conditions imposed are the following, participate in a Board-approved after-care program for chemical dependency, attend AA/NA meetings, abstain from addictive substances, participate in drug screens, attend support groups, and submit monthly reports to the Board.

## SECOND CAUSE FOR DISCIPLINE

**(Unprofessional Conduct)**

14. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct. The conduct is more particularly described in paragraphs 12 through 13, inclusive, above, and herein incorporated by reference.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 573037, issued to Susan Denise Welch, also known as Susan Katheris;
2. Ordering Susan Denise Welch, also known as Susan Katheris to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED:

April 17, 2012

for Stacie Ben  
LOUISE R. BAILEY, M  
Interim Executive Office

LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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